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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,070	10/15/1999	RYUICHI SHIOHARA	Q56248	9664

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SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/419,070

Applicant(s)

SHIOHARA, RYUICHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 2/27/2004 have been fully considered but they are not persuasive.

In re page 10, Applicant argues that Kuba fails to teach or suggest one image data management file for storing plurality of record information.

In response, regarding claim 1, the Applicant amended claim 1 with the limitation "an image data management file for storing plurality of record information having a processing sequence, an image type and a recording location of the recorded image data." The Examiner considers that claim 1 as amended still does not distinguish from Kuba et al. patent. Kuba et al. discloses a hierarchical directory (figures 5 and 6) as an image data management file. The hierarchical directory is used for managing data files (column 1, lines 44-52). The hierarchical directory includes a processing sequence and a recording location as shown in figure 27(A), column 23, lines 15-23. And Kuba et al. discloses a management of data files having an image type (time or date) as shown in figure 7, column 15, lines 35-50).

In re page 10, Applicant argues that, in Kuba, it is not the image data management file is updated by the controller but the data is just rearranged for the production.

In response, regarding claim 1, the Applicant recited the limitation "means for updating the image data management file." Kuba et al. discloses this feature. Kuba et al. discloses

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controller 19 rearranges the sequence of reproduction of data (figures 27(A), 27(B), column 23, lines 25-45). This indicates that the image data management file is changed (updated).

In re pages 10-11, Applicant argues that Kuba's root directory is not similar to the managing file as set forth in claims 1 and 4. And Kuba's root directory does not store image data type as set forth in claims 1 and 4.

In response, the Examiner disagrees because Kuba et al. discloses that directories in a hierarchical organization is used for managing data files to meet a demand for quick retrieval or selection of many databases or programs (column 1, lines 44-52). Kuba et al. discloses the directory entry in figure 7 stores image data type (time of production, date of production, column 15, lines 35-50).

### ***Claim Objections***

2. Claims 5, 7 are objected to because of the following informalities:

Claim 5 (line 7), "an image number plurality of which" should be changed to --an image number, a plurality of which--.

Claim 7 (line 4), "the chance" should be changed to --the change--.

Claims 6-8 are objected as being dependent on claim 5.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba et al. (US 5,806,072).

Regarding claim 1, Kuba et al. disclose a digital camera for recording image data onto a recording medium by converting an image pickup light photoelectrically, comprising an image data management file for storing a plurality of recording information having a processing sequence, an image type and a recording location of the recorded image data (Kuba et al. discloses a hierarchical directory (figures 5 and 6) as an image data management file. The hierarchical directory is used for managing data files (column 1, lines 44-52). The hierarchical directory includes a processing sequence and a recording location as shown in figure 27(A), 27(B), column 23, lines 15-23. And Kuba et al. discloses a management of data files having an image type (time or date) as shown in figure 7, column 15, lines 35-50), the image data management file being stored in the recording medium separately from the image data (date data is stored I section #21, image data is stored in section #22, figures 23(A), 23(B)); and means for updating the image data management file (controller 19 rearranges the sequence of reproduction of data, figures 27(A), 27(B), column 23, lines 25-45), wherein the processing sequence of the recorded image data is changed by updating at least a part of the plurality of recording information stored in the image data management file except for the processing sequence

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information (figures 27(A) shows the order 1-8 (processing sequence) of recorded image data is changed by changing the picked up date as shown in figure 27 (B)).

Regarding claims 2, 6, Kuba et al. disclose display means for displaying the recorded image data (viewfinder 34, figures 21(A), 21(B), 22, 25(A), 25(B), column 21, lines 23-26), wherein an order of which the image data are displayed on the display means is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15).

Regarding claims 3, 7, Kuba et al. disclose output means for outputting the recorded image data to an external device (external output terminal 35, figure 22, column 21, lines 20-30), wherein an order of which the image data are outputted to the external device is changed in compliance with the change of the processing sequence (figures 21(A), 21(B), 22, 25(A), 25(B), column 20, lines 45-61, column 22, lines 5-15, column 21, lines 20-30).

Regarding claim 4, all the limitation are contained in claim 1, therefore see Examiner's comments regarding claim 1, except for the feature "deciding processing sequence of predetermined image data" is disclosed as the recording and play of the image files are managed by utilizing the hierarchical directory file system (Kuba et al., column 14, lines 55-65); and the feature "said image data comprises at least two data type" is disclosed as time of production and date of production (Kuba et al., figure 7, column 15, lines 35-50).

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Regarding claim 5, all the limitations are contained in claim 1, therefore see Examiner's comments regarding claim 1.

Regarding claim 8, Kuba et al. discloses said management file is updated by changing at least one said record location for at least one said image number of said management records, thereby changing said processing sequence (figure 27(A), 27(B)).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN *LN*  
5/16/2004

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